

PATENT
Customer No. 22,852
Application No. 09/467,243
Filed: December 20, 1999
Attorney Docket No. 3384.0342-01

REMARKS

In a requirement for election of species dated May 12, 2004, the period for reply to which extends through June 14, 2004 (June 12, 2004 being a Saturday and June 13, 2004 being a Sunday), the Examiner required election under 35 U.S.C. § 121 between the following species, characterized by the Examiner as: Invention I, claims 1, 2, 4-6; Invention II, claims 7-12; Invention III, claim 17; and Invention IV, claims 18 and 21. Applicants provisionally elects to prosecute Invention I. Claims 1, 2, 4-6 are readable on the elected species, characterized by the Examiner as "drawn to a method for fault recovering over bi-directional line switched rings BLSR SONET line switched ring."

By this Preliminary Amendment, Applicants have amended claim 4 to change its dependency from claim 3, which had been canceled in the Preliminary Amendment filed on February 2, 2000, to claim 1. In addition, claim 5 was amended to correct a typographical error made in the Preliminary Amendment filed on February 2, 2000. No new matter has been added by these amendments. Finally, Applicants have canceled non-elected claims 7-12, 17, 18, and 21, without prejudice or disclaimer of the subject matter thereof. Claims 1, 2, and 4-6, thus remain pending.

In view of the foregoing remarks, Applicants therefore request the entry of this Preliminary Amendment, the Examiner's consideration of all of the pending claims in the application on the merits, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 14, 2004

By: *Robert J. Yoches Reg 24,014*
E. Robert Yoches
for Reg. No. 30,120